UNITED NATIONS **A**

General Assembly

Distr.
GENERAL

A/52/724
15 December 1997
ENGLISH
ORIGINAL: ARABIC

Fifty-second session
Agenda item 135

FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991

Report of the Fifth Committee

Rapporteur: Mr. Djamel MOKTEFI (Algeria)

I. INTRODUCTION

1. At its 4th plenary meeting, on 19 September 1997, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-second session the item entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" and to allocated it to the Fifth Committee.

2. The Fifth Committee considered the item at its 34th, 36th and 41st meetings, on 1, 4 and 15 December 1997. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/52/SR.34, 36 and 41).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/C.5/52/4 and Corr.1);

(b) Report of the Secretary-General on the conditions of service for the judges of the International Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda (A/52/520);

(c) Report of the Advisory Committee on Administrative and Budgetary Questions on conditions of service for the judges of the International Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda (A/52/696).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.5/52/L.9

4. At the 41st meeting, on 15 December, the representative of Canada introduced a draft resolution entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" (A/C.5/52/L.9), submitted by the Chairman of the Committee on the basis of informal consultations.

5. At the same meeting, the Committee adopted draft resolution A/C.5/52/L.9 without a vote (see para. 6)

III. RECOMMENDATION OF THE FIFTH COMMITTEE

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

The General Assembly,

Taking note of the reports of the Secretary-General on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991[1] and on the conditions of service for the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994[2] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[3]

Noting the improvement in the presentation of the report of the Secretary-General,[1] which was made available in a timely manner and prepared on a full cost basis with information on the annual cost of new posts and performance indicators, as recommended by the Advisory Committee,[4]

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[1] A/C.5/52/4 and Corr.1.

[2] A/52/520.

[3] A/52/696.

[4] A/51/7/Add.7 and Corr.2; see Official Records of the General Assembly, Fifty-first Session, Supplement No. 7.

1. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[3] subject to the provisions of the present resolution;

2. Notes that the Secretary-General will phase out by the end of 1998 the use of gratis personnel in the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 in accordance with the provisions of General Assembly resolution 51/243 of 15 September 1997;

3. Requests the Secretary-General to provide in the budget performance report for 1997 the actual performance indicators with a view to facilitating the assessment of the activities for the International Tribunal;

4. Also requests the Secretary-General to include in the budget performance report for 1997 the information requested in paragraph 7 of General Assembly resolution 51/214 B of 13 June 1997;

5. Agrees that the consideration of the pension entitlement for members of the International Tribunal be deferred until the review of the report of the Secretary-General on the emoluments and pension scheme of members of the International Court of Justice to be submitted to the General Assembly at its fifty-third session in accordance with Assembly resolution 50/216 of 23 December 1995;

6. Approves the budgetary recommendations of the Advisory Committee as contained in paragraph 21 of its report;[3]

7. Decides to appropriate to the Special Account for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 a total amount of 68,829,800 United States dollars gross (62,331,600 dollars net) for the period from 1 January to 31 December 1998;

8. Recalls General Assembly resolutions 49/242 B of 20 July 1995, 50/212 A of 23 December 1995, 50/212 B of 11 April 1996, 50/212 C of 7 June 1996, 51/214 A of 18 December 1996 and 51/214 B of 13 June 1997, in which it decided, as an ad hoc and exceptional arrangement, that Members States should waive their respective shares in the credits arising from previous budgets of the United Nations Protection Force, to be transferred to the Special Account for the International Tribunal from the Special Account for the United Nations Protection Force;

9. Cognizant that the unencumbered balance of the Special Account for the United Nations Protection Force has now been depleted;

10. Decides that the financing of the appropriation for the period from 1 January to 31 December 1998 under the Special Account for the International Tribunal shall take into account the cumulative surplus fund balance of 5,600,000 United States dollars as at 31 December 1995 and the anticipated availability of an unencumbered balance of 10,873,800 United States dollars gross (10,000,000 dollars net) for 1997, and shall be set off against the

aggregate amount of the appropriation, as detailed in the annex to the present resolution;

11. Takes note of the information on the expected unencumbered balance at the end of 1997 and decides to take up this issue in the context of its consideration of the performance report for 1997;

12. Decides to apportion the amount of 26,178,000 United States dollars gross (23,365,800 dollars net) among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 1998;

13. Decides also to apportion the amount of 26,178,000 United States dollars gross (23,365,800 dollars net) among Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year 1998;

14. Decides further that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 9 and 10 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 5,624,400 United States dollars approved for the International Tribunal for the period from 1 January to 31 December 1998.

ANNEX

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

	Gross	Net
	(United States dollars)	
Appropriation for the period from 1 January to 31 December 1998	68 829 800	62 331 600
Less: Estimated unencumbered balance for the period from 1 January to 31 December 1997	(10 873 800)	(10 000 000)
Cumulative surplus fund balance as at 31 December 1995	(5 600 000)	(5 600 000)
Balance to be assessed for the period from 1 January to 31 December 1998,		
of which:	52 356 000	46 731 600
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 1998	26 178 000	23 365 800
Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year 1998	26 178 000	23 365 800